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National institutions for the promotion and protection of human rights

Report of the Secretary-General

Summary

The present report, covering the period from July 2003 through July 2005, contains information on the activities undertaken by the Office of the United Nations High Commissioner for Human Rights (OHCHR) to establish and strengthen national human rights institutions (NHRIs); the measures taken by Governments and NHRIs in this regard; the support provided to regional activities of NHRIs; and the consultations held by treaty bodies and special mechanisms of the Commission on Human Rights with NHRIs. Information regarding the work of NHRIs in respect of specific thematic issues is also included. More information on initiatives and assistance provided to NHRIs can be found in the OHCHR reports on the programme of advisory services and technical assistance in the field of human rights, the activities of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights as well as in the thematic and country reports of the special procedures mandate holders of the Commission on Human Rights.

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I. Introduction

1. The present report, prepared pursuant to paragraph 22 of General Assembly resolution 58/175 of 22 December 2003, covers activities for the period from July 2003 through July 2005, and complements the annual reports of the Secretary-General to the Commission on Human Rights during that period (E/CN.4/2004/101 and E/CN.4/2005/106). Information on ways and means of enhancing the participation of national human rights institutions (NHRIs) in the work of the Commission and its subsidiary bodies may be found in the Secretary-General's report (E/CN.4/2005/107). Documents dealing with the events noted in the present report may be found on the NHRIs forum website (www.nhri.net).

II. Office of the United Nations High Commissioner for Human Rights and national human rights institutions

2. In his report "Strengthening of the United Nations: an agenda for further change", the Secretary-General underlined that the capacity of the United Nations to help individual countries to build strong human rights institutions will be strengthened. "Building strong human rights institutions at the country level is what in the long run will ensure that human rights are protected and advanced in a sustained manner. The emplacement or enhancement of a national protection system in each country, reflecting international human rights norms, should therefore be a principal objective of the Organization. These activities are especially important in countries emerging from conflict" (A/57/387, para. 50).

3. During the reporting period the Office of the United Nations High Commissioner for Human Rights (OHCHR) has sought, through a wide range of activities, to heighten its commitment to supporting the Secretary-General within his Action II programme in the building of strong NHRIs at the country level and ensuring effective engagement by all parts of the United Nations with NHRIs through the National Institutions Unit (NI Unit), located within the Capacity-Building and Field Operations Branch of OHCHR.

4. OHCHR has been in contact with over 100 institutions through the provision of advice and information on activities and issues which might assist them in participating in various forums. In order to address the rapidly increasing number of NHRIs, which is commensurate with the expansion of their sphere of activities at the national, regional and international levels, as well as of the interest in their work, the NI Unit has been strengthened with new staff members as of January 2005. To further increase the overall technical cooperation programme on NHRIs, OHCHR continued to expand its roster of consultants and experts/practitioners on NHRIs.

5. OHCHR accords priority to the establishment and strengthening of NHRIs with due regard to the relevant international standards (the Principles relating to the status of national institutions for the promotion and protection of human rights, the Paris Principles adopted by the General Assembly in 1993), works for the improvement of United Nations systemwide coordination in the work of NHRIs, and supports increased participation by NHRIs in appropriate United Nations human rights and other international forums. OHCHR encourages the sharing of best practices among NHRIs and facilitates their access to relevant information, round

tables, seminars, workshops and training activities. OHCHR also supports the strengthening of their regional networks.

6. The United Nations High Commissioner for Human Rights attaches great importance to the role that NHRIs play in translating international human rights norms into laws, policies and practices that ensure respect for human rights at the local level. NHRIs are seen not only as institutions to which assistance may be provided, but also as partners that can impart knowledge, including to the United Nations. NHRIs are increasingly being recognized by the international community as mechanisms that are essential to ensuring respect for and effective implementation of international human rights standards at the national level.

A. Advisory services

7. OHCHR has undertaken to strengthen the role of NHRIs at both the global and country level through the work of the NI Unit, which has become an integral part of supporting the national human rights promotion and protection system. At their request, tailored advice is provided to a growing number of countries on an appropriate constitutional or legislative framework regarding new NHRIs and on the nature, functions, powers and responsibilities of such institutions; comparative analyses; technical cooperation needs assessments; project formulation and evaluation missions are also undertaken. Training activities are addressed to OHCHR colleagues, regional representatives, United Nations country teams (UNCTs), United Nations agencies and programmes, non-governmental organizations (NGOs) and other OHCHR partners, which are in turn able to address a number of specific issues concerning NHRIs within various countries and regions. OHCHR carries out joint activities with such organizations as the Secretariat of the Commonwealth, the Agence intergouvernementale de la Francophonie, the Council of Europe and the Organization for Security and Cooperation in Europe (OSCE).

8. During the reporting period, OHCHR has provided advice and information on activities and issues which might assist NHRIs, including in relation to constitutional provisions, enabling legislation, comparative legislation, advisory missions and rules and regulations relating to institutions in Afghanistan, Armenia, Albania, Angola, Bangladesh, Belgium, Burkina Faso, Burundi, Cameroon, China, Colombia, Comoros, the Congo, Côte d'Ivoire, Cyprus, the Democratic Republic of the Congo, Djibouti, Egypt, Greece, Iraq, Japan, Jordan, Kazakhstan, Kenya, Lesotho, Liberia, Maldives, Mauritania, Nepal, the Netherlands, Niger, Norway, Pakistan, Qatar, Saudi Arabia, Serbia and Montenegro, Sierra Leone, Slovenia, Sri Lanka, the Sudan, Thailand, Togo, the former Yugoslav Republic of Macedonia, Turkey, Timor-Leste, the United Kingdom of Great Britain and Northern Ireland and Uzbekistan. The NHRIs of Afghanistan, Mongolia, Nepal, the Occupied Palestinian Territories, Rwanda and Zambia have benefited from the programmes of support provided by the NI Unit, often in collaboration with the United Nations Development Programme (UNDP). Particular attention was devoted to new NHRIs, or those being established, in Angola, Comoros, Côte d'Ivoire, the Democratic Republic of the Congo, the Sudan, Turkey and Pakistan.

B. Support to international initiatives

1. International Coordinating Committee of National Institutions and its Accreditation Subcommittee

9. The NI Unit, in its capacity as secretariat of the International Coordinating Committee of National Institutions (ICC) and its Accreditation Subcommittee, provided substantive support and facilitated the holding of the fourteenth and sixteenth sessions of ICC in Geneva, in parallel to the Commission on Human Rights. They were attended by over 50 NHRIs. The fifteenth session of ICC was held in September 2004 in Seoul prior to the seventh International Conference of NHRIs.

10. To date, ICC has accredited 51 NHRIs deemed to be in compliance with the Paris Principles, with the number increasing annually (1999: 15; 2000: 26; 2001: 32; 2002: 40; 2003: 45; 2004: 50). The NI Unit has worked closely with ICC to strengthen its accreditation procedures. While at present, accreditation is granted for an indefinite period, the Chairperson of ICC or members of the Subcommittee may review an institution's accreditation if, in their opinion, it appears that the circumstances of any member of the group of NHRIs may have changed in a way that affects its compliance with the Paris Principles. ICC adopted the rules of procedure of its Accreditation Subcommittee at its fifteenth session while a paper on early warning mechanisms, submitted by the secretariat, was approved during its last meeting in April 2005.

2. Seventh International Conference of National Human Rights Institutions

11. The seventh International Conference of NHRIs was held in Seoul from 14 to 17 September 2004, hosted by the National Human Rights Commission of the Republic of Korea and co-organized with ICC and OHCHR, with the financial support of the Asia Pacific Forum of National Human Rights Institutions (APF) and the Agence intergouvernementale de la Francophonie. The Conference was attended by over 100 NHRI representatives worldwide. For the first time an NGO Forum was held prior to the International Conference, with international and local NGOs participating as observers throughout the Conference. The overall theme of the Conference was "Upholding human rights during conflict and while countering terrorism". The eighth International Conference of National Human Rights Institutions is planned to be held in the Americas in 2006.

12. In follow-up to the seventh International Conference, ICC agreed to create a small working group with at least one representative from each region to ensure a sound follow-up to the commitments made at Seoul (see E/CN.4/2005/106, annex I), based on feedback from a questionnaire provided to all NHRIs. The NI Unit is preparing a compilation of declarations adopted by NHRIs since 1993 and a stocktaking of action taken.

3. United Nations bodies

(a) Commission on Human Rights

13. The NI Unit assisted NHRIs during their participation at the sixtieth and sixty-first sessions of the Commission on Human Rights. In 2004, a document series was launched (E/CN.4/2004/NI/...) allowing NHRIs to submit documents for

consideration by the Commission under their own symbol numbers, as at the 1993 World Conference on Human Rights (A/CONF.157/NI/...).

14. During its last session ICC held a thematic discussion on the role of NHRIs in the Commission on Human Rights and other United Nations bodies on the basis of the Secretary-General's report (E/CN.4/2005/107). A note by the Secretariat had been sent to all NHRIs for comments prior to the issuance of that report.

15. One of the objectives of OHCHR is to assist in efforts to strengthen the role and participation of NHRIs accredited in accordance with the Paris Principles in international forums. In this regard, the Commission on Human Rights in resolution 2005/74 requested the Chairperson of the sixty-first session, in consultation with all relevant stakeholders, to finalize, by the sixty-second session, the modalities for: (a) permitting NHRIs that are accredited by the ICC Accreditation Subcommittee under the auspices of OHCHR, and coordinating committees of such institutions, to speak, as outlined in the Secretary-General's report, within their mandates, under all items of the Commission's agenda and supporting their engagement with all the subsidiary bodies of the Commission; and (b) continuing the practice of issuing documents from NHRIs under their own symbol numbers.

(b) Subcommission on the Promotion and Protection of Human Rights

16. Since 2003 the Subcommission on the Promotion and Protection of Human Rights has specifically permitted NHRIs to make one statement per agenda item on the same basis as NGOs.

(c) Commission on the Status of Women

17. The Australian Human Rights and Equal Opportunity Commission prepared a paper for the ninth annual meeting of the APF on "The role of NHRIs in the United Nations Commission on the Status of Women", which was transmitted to the fifteenth session of ICC for consideration. At present, NHRIs do not have standing in their own right in the Commission, thus making it necessary for NHRIs to participate in its sessions as part of their Government's delegation.

(d) Information and training activities

18. Since 2003 the NI Unit has maintained, with the support of the Danish Institute for Human Rights, a website on NHRIs (www.nhri.net). The site, which is linked to all existing NHRI websites and the OHCHR web page, includes information on country and thematic issues of interest to NHRIs. Furthermore, a database of comparative analysis of procedures and methods of complaint-handling by NHRIs, as well as a news alert, sent out by e-mail to all interested parties, were launched in 2004.

19. Training modules and materials are being finalized with OHCHR partners. These include a CD-ROM compilation of NHRI-related constitutional provisions and legislation and their annual reports, a CD-ROM-based training module for UNCTs on NHRIs and an update of the publication *National Human Rights Institutions: A Handbook on the Establishment and Strengthening of National Institutions for the Promotion and Protection of Human Rights*.

20. Based on consultations with NHRIs, OHCHR is finalizing, in cooperation with the International Council on Human Rights Policy, measurement indicators regarding the effectiveness of NHRIs and their compliance with the Paris Principles.

21. The NI Unit addressed the OHCHR-Inter-Parliamentary Union seminar "Strengthening Parliament as a guardian of human rights: the role of parliamentary human rights bodies", held in Geneva from 15 to 17 March 2004.

C. Support to regional initiatives

22. The NI Unit provides financial and substantive support to the regional secretariats of NHRIs, in cooperation with the OHCHR geographic units and regional representatives, a partnership strategy vis-à-vis NHRIs which emphasizes the establishment and strengthening of regional networks.

1. The Americas and the Caribbean

(a) Network of National Human Rights Institutions of the Americas

23. The NI Unit provided financial and substantive support to the third General Assembly of the Network of National Institutions of the Americas, held in Buenos Aires from 9 to 11 June 2004, in cooperation with the Defensoría del Pueblo de la Nación of Argentina, and to the fourth annual meeting of the Network, held in Geneva on 12 April 2005 in parallel with the meeting of the Special Fund for the Ombudsman and National Institutions in Latin America and the Caribbean.

24. The third General Assembly was preceded by a seminar on the prevention of torture organized in cooperation with the Association for the Prevention of Torture. The seminar and the Assembly were attended by representatives of the 13 members of the Network, a representative of the Caribbean Ombudsman Association and representatives of NGOs. Representatives of the Government and the civil society of countries in the region that do not have a national institution (Brazil, Chile and Uruguay) were invited for the first time.

(b) Caribbean Ombudsman Association

25. The NI Unit provided support to the third Regional Conference of the Caribbean Ombudsman Association, held in Jamaica from 10 to 14 May 2004, through the participation of the former Secretary-General of Canada's Human Rights Commission, who spoke on the Paris Principles and the importance of Ombudsman's offices having a human rights mandate.

(c) Workshops and training

26. OHCHR supported the Network's Workshop on Security and Human Rights held in Cartagena, Colombia, on 2 and 3 September 2003, with the participation of the OHCHR focal point on terrorism.

27. From 3 to 5 March 2004, the NI Unit supported a training initiative for NHRIs on the human rights of indigenous peoples organized by the Network, held in Mérida, Mexico. An expert from OHCHR addressed participants on the international framework for the promotion and protection of the human rights of indigenous peoples. At its third Annual Meeting in June 2004, the Network of the

Americas agreed to create a working group to follow up on the recommendations of the workshop.

28. As a follow-up to the Zacatecas round table (see E/CN.4/2005/106, annex III and section on migration below), OHCHR contributed financially and substantively to the International Seminar on "Illicit Trafficking of Migrants, Human Rights and National Institutions" held in Campeche, Mexico, on 10 and 11 March 2005, organized by the Network, the Human Rights Commission of the State of Campeche and the Special Fund for the Ombudsman and National Human Rights Institutions in Latin America and the Caribbean. Representatives from NHRIs of the region and experts from Canada and Spain, the United Nations Educational, Scientific and Cultural Organization (UNESCO), the United Nations Children's Fund (UNICEF), the International Labour Organization (ILO) and the International Organization for Migration (IOM) attended the seminar. The conclusions of the seminar refer to areas requiring additional attention by authorities as well as commitments from the NHRIs to address irregular migration, smuggling and trafficking.

2. Africa

(a) Coordinating Committee of African National Human Rights Institutions

29. The NI Unit provided support to the meeting of the Coordination Committee of African Human Rights Institutions (CCANI), held on 12 April 2005 in parallel to the ICC meeting. The participants also welcomed the members of the OHCHR Africa Unit, who introduced their activities.

30. As the three-year term of the South African Human Rights Commission as host of the CCANI Secretariat was coming to an end in August 2005, the members agreed unanimously that Kenya should host the Secretariat, clarifying that it would not be under the direction of the Kenya National Commission on Human Rights per se but remain accountable to CCANI as a whole. The CCANI Task Force (composed of Kenya, Morocco, Niger, Rwanda, South Africa and Uganda) was requested to initiate the drafting of the statute of the Secretariat in cooperation with OHCHR and ICC.

31. The members agreed by consensus that the fifth Regional Conference of African NHRIs would be held in Nigeria in early November 2005, with economic, social and cultural rights as the main focus. OHCHR will financially and substantively support the CCANI Secretariat and the fifth Regional Conference.

(b) African Union Conference of National Human Rights Institutions

32. The African Union, in cooperation with OHCHR and CCANI, organized the first African Union Conference of NHRIs in Addis Ababa from 18 to 21 October 2004. The objectives of the Conference were to encourage States that had not yet established NHRIs to do so, exchange ideas between existing NHRIs and identify areas where NHRIs could improve their work, and identify mechanisms for implementing existing African human rights instruments.

(c) Workshops and training

33. A pilot distance training on monitoring and investigation of human rights violations for NHRIs in Africa, based on a combination of a CD-ROM/tutor-based training programme developed by the South Africa/United Kingdom-based NGO Fahamu, in cooperation with OHCHR, concluded successfully in 2004. A workshop co-hosted by the National Human Rights Commission of Kenya, bringing together all course participants to share experiences and best practices, was held in Nairobi from 6 to 8 May 2004.

34. The NI Unit participated in a seminar on NHRIs in Africa, conflict resolution and peacebuilding organized by the Human Rights and Conflict Management Programme of the Centre for Conflict Resolution in Cape Town, South Africa, from 29 November to 3 December 2004.

35. A training workshop for the Zambian National Human Rights Commission was organized in July 2004 by OHCHR and UNDP to bring the participants to a common level of understanding on the role of NHRIs.

36. Upon invitation by UNDP, the NI Unit participated in an assessment mission of the National Human Rights Commission of Rwanda undertaken by an independent consultancy team. The goal of the UNDP-initiated mission, held in March and April 2005, was to formulate a second phase of support to the Commission, based on the first OHCHR-funded project, "Capacity-building of the Rwandan Human Rights Commission".

37. OHCHR is actively engaged with the Human Rights Office in Angola in working with the Government towards the development of the Provedor de Justiça and the drafting of its enabling legislation in accordance with the Paris Principles.

38. The NI Unit is working with the United Nations Mission in Sudan (UNMIS) to support the establishment of a national institution. The Unit has twice provided comments on the draft legislation and drafted a NHRI project which is expected to be included in the UNMIS global human rights project. Further support is envisaged.

39. The Unit has engaged with UNDP in Djibouti, Mauritania and Comoros, the United Nations Mission in Sierra Leone, the United Nations Mission in Liberia, the United Nations Operation in Burundi and the OHCHR Subregional Centre for Human Rights and Democracy in Cameroon with a view to initiating strategies to support the establishment of NHRIs in the respective countries.

3. Asia and the Pacific

(a) Workshop on Regional Cooperation for the Promotion and Protection of Human Rights in the Asian-Pacific Region

40. OHCHR facilitated the participation of NHRIs in the twelfth Workshop on Regional Cooperation for the Promotion and Protection of Human Rights in the Asian-Pacific Region, held in Doha, from 1 to 4 March 2004. In its conclusions the workshop identified as main objectives that States should cooperate with the participating NHRIs and continue to make available, upon request, technical cooperation and advisory services to support the establishment and strengthening of NHRIs, and that they continue to support the work of APF. Support for subregional

workshops for the Arab and Pacific regions on national human rights protection systems, including NHRIs, was encouraged.

41. The International Conference on NHRIs in the Arab Region, organized by OHCHR, UNDP and the National Council for Human Rights of Egypt in cooperation with the League of Arab States, was held from 6 to 8 March 2005 in Cairo, following the recommendations of the twelfth Workshop. Representatives of existing NHRIs, parliamentary human rights committees, as well as human rights and justice ministries participated from Algeria, Bahrain, Comoros, Djibouti, Egypt, Iraq, Jordan, Kuwait, Lebanon, the Libyan Arab Jamahiriya, Mauritania, Morocco, Oman, Palestine, Qatar, Saudi Arabia, Somalia, the Sudan, the Syrian Arab Republic, Tunisia, the United Arab Emirates and Yemen. In addition, representatives of regional coordination committees of NHRIs from Africa, the Americas, Asia and the Pacific and Europe, as well as experts from the United Nations were invited. NGOs in consultative status with the Economic and Social Council and accredited to the Arab Permanent Commission for Human Rights were also present.

(b) The Asia Pacific Forum of National Human Rights Institutions

42. The OHCHR NI and Asia Pacific Units supported and participated in the eighth Annual Meeting of APF held in Kathmandu from 16 to 18 February 2004. The meeting reaffirmed the Forum's commitment to promoting the development of NHRIs in conformity with the Paris Principles. It featured the theme "National Human Rights Institutions and the primacy of the rule of law in countering terrorism", which was considered by the Forum's Advisory Council of Jurists. Support was also provided to the ninth Annual Meeting held in Seoul on 13 September 2004. The tenth Annual Meeting will be hosted by the National Human Rights Commission of Mongolia in Ulaanbaatar from 24 to 26 August 2005.

(c) Workshops and training

43. OHCHR supported the holding of the first in-country training workshop on human rights investigations techniques in Sri Lanka. The five-day workshop, convened by APF from 8 to 12 November 2003, was intended to provide a core professional development programme to address systematically the specific training needs of investigations staff within the Human Rights Commission of Sri Lanka. Thirty-four of its staff as well as representatives of local NGOs participated. The workshop was held at the request of member States of the Asian-Pacific region which, at the conclusion of the tenth Workshop on Regional Cooperation for the Promotion and Protection of Human Rights in the Asian-Pacific Region, had called on OHCHR to continue developing and implementing training programmes on investigation techniques, among other subjects. OHCHR also supported APF in the holding of the Asia Pacific Regional Training Programme on Human Rights Investigations, which took place in Tagaytay City, the Philippines, from 18 to 22 April 2005.

44. In July 2004, OHCHR and APF supported a joint mission to strengthen the legislative basis of the Palestinian Independent Commission for Citizens' Rights. OHCHR also offered training to the National Centre for Human Rights in Jordan in the area of complaints-handling and human rights education through the New Zealand Human Rights Commission. In February 2004, the NI Unit provided a preliminary training course to the UNCT in Jordan concerning the Paris Principles.

45. OHCHR, through the United Nations Mission in Iraq has provided substantive input into the drafting process of the new constitution of Iraq, ensuring that a provision regarding the establishment of a national institution is included. In consultation with OHCHR Kathmandu, an expert mission was undertaken in July 2005 by the NI Unit to assess the National Human Rights Commission of Nepal.

4. Europe

(a) Council of Europe Round Table of National Human Rights Institutions

46. On 25 and 26 November 2004, the NI Unit participated in the third Round Table of National Human Rights Institutions, hosted by the German Institute for Human Rights and the Council of Europe, in Berlin. The meeting included observers from the European Union (EU), OSCE, the United Nations, Amnesty International, the International Commission of Jurists, the Human Rights Grouping of NGOs holding participatory status with the Council of Europe, as well as government representatives and a number of individual researchers. The Berlin Declaration deals with the three main themes of the round table: the development of the system of human rights protection within the Council of Europe, the protection of human rights in the context of the fight against terrorism, and the protection of victims of trafficking in human beings.

(b) European Meeting of National Institutions

47. The fifth European Meeting of National Institutions was held in Berlin in conjunction with the third Round Table. The event was co-organized by the Council of Europe; the Commission nationale consultative des droits de l'homme of France, the current Chair of the European Coordinating Group of National Institutions; and the German Institute for Human Rights. The next European regional meeting will be hosted by the Greek National Human Rights Commission in fall 2006.

48. On 16 February 2005, the NI Unit participated in the meeting of the European Coordinating Group of National Institutions, hosted by the Commission nationale consultative des droits de l'homme in Paris, and met with the Agence intergouvernementale de la Francophonie to strengthen cooperation between the NI Unit and the Agence.

49. On 12 April 2005, the NI Unit participated in the meeting of the European Coordinating Group, held in Geneva during the sixteenth session of ICC, which discussed issues such as human rights and the fight against terrorism, trafficking of human beings, racism and cooperation with the Council of Europe, OSCE, the European Union and OHCHR. The NI Unit has established closer linkages with the Office of the Commissioner for Human Rights of the Council of Europe as the focal point for the Council's work on NHRIs. The Unit and the Council have exchanged information about various NHRIs within Europe.

50. On 6 June 2005, as a follow-up to discussions held during the sixty-first session of the Commission on Human Rights, the NI Unit met with the Commission nationale consultative des droits de l'homme in Paris in order to define a common strategy in establishing and strengthening NHRIs in Europe and Central Asia. The NI Unit aimed to improve the existing technical cooperation and sought to establish a common plan of action. At the invitation of the Government of France, the NI Unit met on 7 June 2005 with representatives of the Ministry for Foreign Affairs to

discuss technical cooperation activities regarding the establishment and strengthening of national institutions.

51. On 20 July 2005, the NI Unit attended a meeting in Paris to enhance concerted action on the part of OHCHR, the Council of Europe and the European Coordinating Group regarding the establishment of NHRIs in States members of the Council of Europe.

(c) Workshops and training

52. The NI Unit has discussed with the Government of Turkey the establishment of a NHRI. At the invitation of the Danish Institute for Human Rights, the NI Unit participated with the Human Rights Presidency of Turkey, the Council of Europe, the New Zealand Human Rights Commission and the Parliamentary Commission for the Rights of National and Ethnic Minorities of Hungary in a symposium held in Turkey from 1 to 3 December 2004. The symposium brought together representatives of central and local governments and civil society, including NGOs, trade union and bar association representatives as well as media.

53. At the invitation of the Government of Finland, the NI Unit participated on 16 February 2005 in a meeting in Helsinki to advise the Government on the possible establishment of a NHRI.

III. Cooperation between human rights treaty bodies, special mechanisms of the Commission on Human Rights and national human rights institutions

A. Treaty bodies

54. The Paris Principles highlight the importance for NHRIs to engage in the international human rights treaty body process. The NI Unit continues to systematically engage with treaty bodies and their members by providing expert analysis of NHRIs and preparation of briefs for members. The Unit has one staff member working exclusively on treaty body and NHRI issues.

55. Together with the OHCHR Treaties and Commission Branch, since November 2003 the NI Unit has undertaken training workshops under the EU-funded project "Strengthening the implementation of human rights treaty recommendations through the enhancement of national protection mechanisms". Representatives of the media, NGOs and the NHRIs of Albania, Argentina, Azerbaijan, Bosnia and Herzegovina, Colombia, Croatia, El Salvador, Guatemala, Kenya, Latvia, Mauritius, Panama, the Russian Federation, Rwanda, Sri Lanka, Thailand, Togo, Uganda and Zambia participated in the training. Participants were also able to observe sessions of the treaty bodies that were examining the reports of their respective States. Plans of action have been developed for each country aimed at devising strategies for better implementing treaty body recommendations at national level.

56. Pre-sessional missions took place to prepare participants for the Geneva-based workshops. For the countries that have participated in previous training sessions, follow-up activities to assess the impact of the training on the ground were conducted in Croatia, Guatemala, Rwanda and Sri Lanka with members of NGOs,

the media, NHRIs and Government officials. Follow-up activities have revealed that for countries that have received the training, national capacity to implement human rights treaty body recommendations has been strengthened through the enhancement of national protection systems with NHRIs playing a lead role.

57. Also within the framework of the EU-funded project, the NI Unit, in conjunction with the Treaties and Commission Branch, are organizing a judicial colloquium to be held in the African Region in October 2005. The colloquium will bring together members of NHRIs, the judiciary, parliamentarians, NGOs, Government and the media to discuss strategies relating to implementation of treaty body recommendations at the national level.

58. The Unit prepared a compilation of all concluding observations and recommendations relating to NHRIs as well as decisions under individual complaints procedures that have been made by the treaty bodies since 2000. This compilation, which is regularly updated, has been posted on the NHRIs website (www.nhri.net). The Unit continued to systematically and promptly send to the NHRIs of the countries concerned concluding observations and decisions under individual complaints procedures following their adoption.

59. In follow-up to the commitment made at the third intercommittee meeting of human rights treaty bodies to engage more with NHRIs and issue general recommendations on the work of NHRIs in relation to treaty bodies, the Unit, together with the Treaties and Commission Branch, arranged for the participation of NHRI representatives from Uganda, Mexico and Denmark to participate for the first time in the intercommittee meeting held in June 2005.

B. Special procedures

60. The special procedures mandate holders of the Commission on Human Rights increasingly consult with NHRI representatives and are an important mechanism in encouraging compliance with the Paris Principles and providing support to NHRIs. The NI Unit briefed the special procedures mandate holders during their annual meeting in June 2004, in order to support greater interaction between the special procedures mechanisms and NHRIs.

61. The mandate holders of the Commission are regularly provided with information concerning the work of NHRIs in preparation for their country missions. Increasingly, mandate holders look to NHRIs to assist in ensuring that their recommendations are followed up at the national level. This is an important area of work for NHRIs and should be further encouraged. In line with Commission resolution, 2004/76, the Unit compiled special procedures recommendations relating to NHRIs and is in the process of making them available to relevant NHRIs for follow-up.

IV. Cooperation between the Office of the United Nations High Commissioner for Human Rights, United Nations agencies and programmes, and international and regional organizations

62. OHCHR has strengthened its cooperation with UNDP, UNESCO, UNICEF, the United Nations Population Fund (UNFPA), the United Nations Volunteers programme (UNV), the Joint United Nations Programme on HIV/AIDS (UNAIDS), the United Nations Division for the Advancement of Women, as well as the Agence intergouvernementale de la Francophonie and the Secretariat of the Commonwealth in its work of capacity-building of NHRIs.

63. The NI Unit has established closer links with the Association francophone des commissions nationales de promotion et de protection des droits de l'homme in cooperation with the International Organization of la Francophonie.

64. The NI Unit addressed participants at the British Council seminar "NHRIs: effective or just existing?" held in Belfast, United Kingdom of Great Britain and Northern Ireland, from 26 to 30 October 2003. The seminar brought together representatives of NHRIs and experts from around the world to discuss their experiences of how to measure the effectiveness of NHRIs.

65. At the request of the British Council and the Northern Ireland Human Rights Commission, the NI Unit participated in, and addressed, the International Workshop for Chief Executive Officers and Senior Managers of the NHRIs of the Commonwealth, held in Belfast from 31 January to 3 February 2005.

66. The eighth Annual Congress of the Ibero-American Federation of Ombudsman (FIO) was held in Panama City from 18 to 21 November 2003. The two principal themes discussed related to transparency and democracy, and the role of the ombudsman in strengthening the international human rights system.

67. FIO celebrated its ninth Annual Congress in Quito from 8 to 11 November 2004. The Congress included a seminar on "International systems for promotion and protection of human rights". The OHCHR regional representative participated in the Congress and addressed the development of human rights norms within the framework of the United Nations, citizens' access to this system, the different ways the system has developed to ensure more effective protection of human rights, and the importance of the independence of personnel responsible for ensuring the effective protection of human rights.

V. Round tables of national human rights institutions and thematic issues

A. Promotion and protection of economic, social and cultural rights

68. OHCHR published *Economic, Social and Cultural Rights: Handbook for national human rights institutions*, No. 12 in the *Professional Training Series*, which was released in July 2005.

69. Thematic discussions were held during the fourteenth session of ICC on human rights education, in the presence of the Special Rapporteur on the right to education.

70. Representatives from the South African Human Rights Commission and the Uganda Human Rights Commission participated as panellists in the Social Forum organized by OHCHR in Geneva on 21 and 22 July 2005.

71. An international round table on economic, social and cultural rights is expected to be held in the Asia and Pacific region in November 2005. The round table seeks to familiarize NHRIs with economic, social and cultural rights, provide a forum for exchanging information and enhance the understanding of and regional approaches to economic, social and cultural rights for the purpose of individually and collectively reinforcing their efforts in the promotion and protection of economic, social and cultural rights. Twenty-five NHRIs from around the world will be invited to participate in the event.

72. A training workshop for NHRIs in the Asian-Pacific Region on the economic, social and cultural rights of women is being prepared jointly with the Canadian Human Rights Foundation and the Philippines Commission on Human Rights. It is expected to take place in early 2006.

B. Racism and racial discrimination

73. In close cooperation with the OHCHR Anti-Discrimination Unit, the NI Unit established a small-grants scheme for NHRIs' activities in follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. Initiatives included support for the establishment of a Race Relations Unit in the Fiji Human Rights Commission, translation of educational materials in Mexico into indigenous languages, protecting the rights of the Tsaatan ethnic minority of Mongolia, a study on practices of slavery in the Departments of Maradi and Tahoua of Niger, and, in Venezuela, the provision of training on indigenous peoples' rights and the international human rights instruments.

74. In addition, the two Units cooperated with the New Zealand Human Rights Commission to organize the first-ever meeting of race relations commissioners to discuss issues of common interest in Auckland from 2 to 5 February 2004. Representatives of 15 NHRIs participated in the international race relations round table as part of a series of focused discussions supported by OHCHR with a view to providing an initial list of indicators of successes of NHRI networks in the area of racial or other discrimination. The meeting concluded by identifying the key challenges for NHRIs in race relations.

C. Rights of the child

75. During the sixteenth session of ICC, participants were briefed on the Secretary-General's study on violence against children supported by OHCHR, UNICEF and the World Health Organization (WHO) (www.violencestudy.org). In 2003, the Secretary-General appointed the expert to lead the study, which is to assess the situation on violence against children and to provide strategies to combat this phenomenon, including the development of effective protection mechanisms by

States. The expert requested inputs from NHRIs to the study as he believes they are very well placed to analyse the issue of violence against children at the country level. OHCHR supported the participation of NHRIs in the regional consultations on the study which took place in Thailand and South Africa in early 2005.

D. Promotion and protection of human rights while countering terrorism

76. The NI Unit was requested to organize a panel of NHRIs for the UNESCO World Forum on Human Rights, held in Nantes, France, from 16 to 19 May 2004. The panel, composed of representatives of NHRIs from Denmark, France and Northern Ireland, provided an opportunity for participants to engage with national experts on the role of NHRIs in promoting and protecting human rights while countering terrorism.

E. HIV/AIDS

77. OHCHR, through the NI Unit and the Research and Right to Development Branch, is finalizing with UNAIDS a handbook on the role of NHRIs in the prevention of HIV/AIDS and in combating HIV/AIDS-related discrimination. It is anticipated that the handbook will be available in 2005. As input into the development of the handbook, a parallel event on HIV/AIDS and NHRIs was organized by OHCHR and UNAIDS during the sixteenth session of ICC, in April 2005.

F. Rights of persons with disabilities

78. A thematic discussion on the International Convention on the Rights and Dignity of Persons with Disabilities was held during the fourteenth session of ICC, with the participation of the ICC representative to the Ad Hoc Committee on the Convention and its Working Group. The NI Unit has been actively involved in providing assistance to the ICC representative to the various meetings held in New York since 2003.

79. The representative of the National Human Rights Commission of India, who has replaced the representative of the South African Human Rights Commission, briefed ICC members on progress in the drafting of the Convention at the sixteenth session of ICC.

G. Conflict prevention and prevention of torture

80. A 28-month project with the overall objective of strengthening the capacity of NHRIs through distance and regional training as part of strengthening national human rights protection systems has been launched by the NI Unit in cooperation with its project partners, the NGOs Fahamu and the Association for the Prevention of Torture, and the United Nations System Staff College. The project aims to introduce participants to various aspects of conflict and torture prevention work and to develop tools for NHRIs to be able to build appropriate capacities.

81. The incentive-based training programmes on the prevention of conflict and the prevention of torture are divided into three phases — CD-ROM distance-learning available in English, French, Spanish and Russian, conventional workshops, and post-workshop mentoring to define national strategies — which have to be successfully completed by all participants. NHRIs have to select two staff members to participate in the training programmes as part of their regular work assignments. At least one participant must be female. Training activities are planned for Africa, the Americas, Asia and the Pacific, and Europe and Central Asia.

82. The first pilot training programme on torture prevention for Anglophone African NHRIs was organized in Kampala from 11 to 13 November 2004 with the cooperation of the Uganda Human Rights Commission. The second training programme on the prevention of torture for NHRIs of the Asian and Pacific Region will start in October 2005 and selected participants will meet in November 2005 at a workshop co-hosted by the Indonesia National Commission for Human Rights in Jakarta. The third training programme on the prevention of torture for Francophone African NHRIs will start in fall 2006 with the Conseil consultatif des droits de l'homme of Morocco supporting the holding of a conventional workshop as part of the training. The fourth training programme on the prevention of torture for NHRIs of the European and Central Asian Region is planned to start in autumn 2006.

83. The first training programme on the prevention of conflict for NHRIs of the Asian and Pacific Region will start in August 2005. A conventional workshop, co-hosted by the Human Rights Commission of Sri Lanka, will be held in September 2005 in Colombo. The second training programme on the prevention of conflict for Anglophone African NHRIs will start in September 2005. A conventional workshop will take place in Abuja in October 2005 with the support of the Nigeria National Human Rights Commission. The third training programme on the prevention of conflict for Francophone African NHRIs is planned to start in January 2006. The Comité sénégalais des droits de l'homme has agreed to co-host the conventional workshop. The fourth training programme on the prevention of conflict for NHRIs of the Americas is scheduled to start in March 2006 and the Ombudsman of Guatemala agreed to provide his support for the holding of a conventional workshop in Guatemala. The fifth training programme on the prevention of conflict for NHRIs of the European and Central Asian Region is planned for autumn 2006.

H. Migration

84. The international round table of NHRIs on the subject "Causes, effects and consequences of the migratory phenomenon and human rights protection", organized by the National Human Rights Commission of Mexico and the NI Unit, with the support of the Human Rights Commission of Zacatecas, was held in Zacatecas on 14 and 15 October 2004. The meeting facilitated the exchange of experiences and expertise on the integration of migrants' rights issues into the work of NHRIs, and defined common methodologies and strategies to promote and protect the human rights of migrants and the establishment of a system of collection and analysis on best practices with regard to the work of NHRIs in this field. Seventeen NHRIs were represented by their Chairpersons or other senior officials. The Zacatecas Declaration was adopted by the participants (E/CN.4/2005/106, annex III).

85. As part of its efforts to enhance awareness about NHRIs, the NI Unit briefed the members of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families at its first session, in March 2004. ICC devoted its thematic discussion at its sixteenth session in April 2005 to the issue of migration and NHRIs.

I. Gender

86. The international round table of NHRIs and national machineries for the advancement of women, held in Ouarzazate, Morocco, from 15 to 19 November 2004, was organized by OHCHR and the Division for the Advancement of Women and hosted by the Conseil consultatif des droits de l'homme. Two experts of the Committee on the Elimination of Discrimination against Women also participated. Representatives of national machineries and NHRIs from 14 countries were present. The round table aimed to strengthen the capacity of national machineries and NHRIs to promote and protect the human rights of women through the development of institutional links and joint strategies.

J. Good governance

87. The international round table on NHRIs as promoters and protectors of good governance was organized by the NI Unit in cooperation with the Fiji Human Rights Commission in Suva, from 13 to 16 December 2004. Participants included representatives of NHRIs from nine countries, with input provided by the Kenya National Commission on Human Rights. Observers included representatives of the United Nations community in Fiji and civil society. The meeting was a direct follow-up to the seminar on good governance practices for the promotion of human rights organized by OHCHR in Seoul in September 2004. The participants adopted the Suva Declaration (ibid., annex V).

K. Minorities

88. Following the decision of the Working Group on Minorities at its tenth session to invite OHCHR to provide it with information on the relevant guidelines and practices of NHRIs in relation to minority issues, the NI Unit briefed the Working Group in March 2004 about the preparation of a draft pamphlet concerning NHRIs and minorities for inclusion in the *United Nations Guide for Minorities*, pursuant to Subcommission resolution 2002/16. The pamphlet has now been finalized and is awaiting publication.

89. The Working Group noted that it will in the future invite NHRIs to participate and recommended that Governments consider establishing NHRIs comprising persons of independence and ability and enabling such institutions to investigate and grant appropriate relief for violations of minority rights by all State agencies, including the police, armed police and paramilitary forces, and also by non-State actors.

90. A parallel event on Minority Rights and NHRIs was organized by the NI and Minority Units, including minority fellows, during the sixteenth session of ICC.

L. Administration of justice

91. The NI Unit and the Danish Institute for Human Rights co-organized the round-table discussion NHRIs and the administration of justice in Copenhagen on 13 and 14 November 2003. The round table brought together 22 NHRIs from all continents, which highlighted the centrality and importance of implementing the Paris Principles, in particular that NHRIs should have quasi-judicial powers. The topics discussed included: the relationship between NHRIs and the judiciary; judicial enforcement mechanisms and NHRIs; direct powers of intervention and NHRIs; the complaints — handling powers of NHRIs, including civil cases and military and security force cases; and case-handling systems.

M. The Paris Principles

92. To commemorate the adoption of the Paris Principles by the General Assembly in 1993 (resolution 48/134), the NI Unit undertook several initiatives through small grants, awarded in 2004, relating to the promotion of the Paris Principles at the national level. These were awarded, based on applications received, to the NHRIs of Albania, Ghana, Haiti, Mauritius, Morocco, the Philippines and Zambia. The Mexican Human Rights Commission held a seminar on the Paris Principles on 9 October 2003, bringing together international experts, including the NI Unit and representatives of the state and national human rights commissions.

93. On 10 and 11 December 2003, a round table on the Paris Principles was organized by OHCHR in Geneva. It was attended by the Chairperson of ICC and senior ICC representatives, and representatives of Amnesty International, Human Rights Watch, the International Council on Human Rights Policy and the International Commission of Jurists. The International Federation of Red Cross and Red Crescent Societies participated as an observer.

VI. Conclusions

94. **The integration of NHRI-related activities throughout OHCHR has become a reality and the United Nations can now rely to a great extent on NHRIs as implementing partners rather than solely as beneficiaries. The establishment of new institutions, however, requires concerted effort and should not be rushed. In some instances, more national-level consultations should be held at an early stage of development so that the institution established has greater credibility. Particular attention needs to be paid to the inclusion of civil society when establishing such institutions and ensuring transparent appointments processes. OHCHR will continue to strengthen established NHRIs and provide support to States that are in the process of establishing such institutions.**

95. **Building the knowledge and expertise of UNCTs on NHRIs and the inclusion of NHRIs in the common country assessment/United Nations Development Assistance Framework process will be strengthened in line with the Secretary-General's Action 2 programme which calls for implementing human rights at the country level with national partners.**

96. OHCHR draws the attention of Governments and NHRIs to the importance of the Paris Principles and invites them to reaffirm their validity and the necessity of complying with them. There is scope for continued engagement with NHRIs through the Commission on Human Rights, the Subcommission on the Promotion and Protection of Human Rights, their working groups, the various special procedures of the Commission and the treaty bodies. Such engagement with Paris Principles-based institutions can only strengthen the substantive work of the United Nations bodies.